

ENTERED

December 02, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TREVON JOSEPH,	§	
	§	
VS.	§	CIVIL ACTION NO. 3:20-CV-00062
	§	
WALMART INC., ET AL.	§	

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**


On September 1, 2020, all non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(A). Dkt. 30. On November 17, 2020, Judge Edison filed a memorandum and recommendation (Dkt. 34) recommending that Wal-Mart Stores Texas, LLC's Motion to Dismiss Plaintiff's Third Amended Complaint (Dkt. 22) be granted in part and denied in part.

No objections have been filed to the memorandum and recommendation. Accordingly, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record. Accordingly:

- (1) Judge Edison's memorandum and recommendation (Dkt. 34) is approved and adopted in its entirety as the holding of the court; and
- (2) Wal-Mart Store's motion to dismiss (Dkt. 22) is granted in part and denied in part. Specifically, the motion is granted with respect to Plaintiff's negligent supervision and training claim, but the motion is denied with respect to Plaintiff's malicious prosecution claim.

Signed on Galveston Island this 2nd day of Dec. 2020.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE